IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6676 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIVISIONAL CONTROLLER

Versus

CHANDUBHAI GIRDHARBHAI PARMAR

Appearance:

MR KM PARIKH for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 20/01/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the respective parties. Rule. Mr. G.K.Rathod, learned counsel for the respondent waives service of rule. On joint request of learned counsel, the matter is taken up for final hearing today.

#. I have perused the impugned judgment and award, and perused such evidentiary material on record to which my attention has been drawn. Ultimately, the question is of the punishment imposed by the disciplinary authority, as reduced by the Labour Court. The Labour Court has reduced the punishment imposed by the disciplinary authority to reinstatement with continuity with only 50% backwages. It is this punishment which is under discussion before me today.

#. As a result of the hearing and discussion, I inquired of both the learned counsel as to whether they could suggest a reasonable figure of backwages which could be awarded, which would be less than 50% awarded by the Labour Court, and/or any other punishment which would meet the ends of justice. As a result of this discussion, both the learned counsel have gracefully accepted the suggestion of this Court and have agreed that backwages at the rate of 40% would meet the ends of justice together with stoppage of one increment with permanent effect. It is accordingly directed.

#. This petition is therefore allowed to the aforesaid extent. Rule is made absolute with no order as to costs. Direct service permitted.

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